

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RONALD DIGGS,

Plaintiff,
-v-

9:16-CV-554
(DNH/DJS)

SGT. RONALD G. WOOD; CHRIS DUBREY,
Correctional Officer/ Sergeant; and T.
ROBARE, Corrections Officer,

Defendants.

APPEARANCES:

RONALD DIGGS
Plaintiff pro se¹
04-R-3906
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

O'CONNELL & ARONOWITZ, P.C.
Pro Bono Attorney for Plaintiff²
54 State Street
9th Floor
Albany, NY 12207

HON. LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

JULIA VIRGINIA KOSINESKI, ESQ.

RYAN L. ABEL, ESQ.
Assistant Attorney General

¹ Plaintiff has recently been appointed pro bono trial counsel, however, the currently pending motion for a temporary restraining order and injunction, ECF No. 85, was filed pro se by plaintiff before he was appointed counsel.

² Plaintiff's pro bono trial counsel was not involved with the instant motion and has been appointed solely for the purposes of trial. She has been included here for completeness.

DECISION and ORDER

Pro se plaintiff Ronald Diggs brought this civil rights action pursuant to 42 U.S.C. § 1983. This matter is presently scheduled for trial beginning October 13, 2020. On July 23, 2020, the Honorable Daniel J. Stewart, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's motion for a temporary restraining order and injunction be denied. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Plaintiff's Motion for a Temporary Restraining Order and Injunction, ECF No. 85, is DENIED; and
2. Trial remains scheduled for Tuesday, October 13, 2020 at 9:30 a.m. in Utica, New York. Pre-trial submissions are due on or before Friday, September 29, 2020.

IT IS SO ORDERED.



United States District Judge

Dated: August 12, 2020
Utica, New York.